

## Notice of Intent to Certify Sole Source

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**To:** Interested Parties

**From:** David C. Johnson

**CC:** ITS Project Number 46509

**Date:** June 8, 2021

**Re:** Sole Source Certification Number 4401 to provide UPS2000 Software Enhancements and Renewal for the Office of the State Treasurer (OST)

**Contact Name:** Justin Faucette

**Contact Phone Number:** 601-432-8165

**Contact E-mail Address:** [Justin.Faucette@its.ms.gov](mailto:Justin.Faucette@its.ms.gov)

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### Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4401 for the Office of the State Treasurer (OST), please be advised that ITS intends to award Avenu Unclaimed Property Systems, LLC, as the sole source provider of UPS2000 Software Enhancements and Renewal through June 30, 2024, in an amount not to exceed \$242,566.00. Please be advised that ITS will determine if additional enhancements or support are within scope during the certification period and may increase the spending authority accordingly. Should Avenu Unclaimed Property Systems, LLC change their name during this certification period, then ITS will determine if a recertification is necessary. For an explanation regarding Mississippi state law, policy and procedures for sole source procurements, refer to Attachment C: Sole Source Procurement Overview.

### Sole Source Criteria

1. The product or services being purchased must perform a function for which no other product or source of services exist:

**The Unclaimed Property Management System (UPS2000) is the platform used by the Office of the State Treasurer to manage all unclaimed property records for the State of Mississippi. UPS2000 has functions that have been customized to meet Mississippi's business processes and requirements. No other product contains these customizations. UPS2000 also operates entirely locally and is not cloud-based. The Claims website enables claimants to submit a claim for unclaimed property via the web. This website allows for a fast track process via automated checks to internal and external systems to verify the integrity and validity of the request, and it includes advanced system integration with UPS2000. The Holder**

reporting website enables property holders to go through the escheatment process online in a manner that verifies the encrypted files uploaded prior to accepting the reported properties and associated information. This website also integrates with UPS2000. The Holder website and Claims website are specifically built to work in conjunction with UPS2000. There is no other vendor that has websites or portals of this nature that directly integrate with UPS2000. The customer's sole source certification request is included as Attachment A.

2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services:

**The UPS2000 software provides a detailed repository of Unclaimed Property escheated by holders to the State of Mississippi for claims processing, payment, and for transferring property. UPS2000 is not software as a service and is locally hosted, enabling the Office of the State Treasurer to process claims in the event of an internet outage. The customer's sole source certification request is included as Attachment A.**

3. The product or services must be available only from the manufacturer and not through resellers who could submit competitive pricing for the product or services:

**The UPS2000 software and services system is available only through Avenu directly. Avenu does not resell the system through any source and does not contract support agreements to any other party. Avenu employees are the only experts authorized and trained to support the UPS2000 system. The Vendor's sole source certification letter is included as Attachment B.**

## Schedule

Task	Date
First Advertisement Date	06/08/2021
Second Advertisement Date	06/15/2021
Response Deadline From Objectors	06/22/2021 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 06/23/2021

## Project Details

The Office of the Mississippi State Treasurer (OST) is responsible for the administration of the Unclaimed Property Act. The UPS2000 system was purchased by the OST in 2003 as a sole source using then approved Sole Source Certification procedures. In March 2009, a Software License and Services Agreement was executed for software licenses and Bronze-level support using then approved Sole Source Certification procedures. In June 2010, Amendment #1 to the Agreement was executed for 12 months of maintenance. In June 2011, Amendment #2 to the Agreement was executed for 12 months of maintenance. In June 2012, Amendment #3 to the Agreement was executed for 12 months of maintenance. In June 2013, Amendment #4 to the Agreement was executed for 12 months of maintenance. In May 2014, Amendment #5 to the Agreement was executed for 12 months of maintenance. In June 2015, Amendment #6 to the Agreement was executed for three years of maintenance. In May 2018, ITS, on behalf of OST, issued Notice of Intent to Certify Sole Source Number 4094 and received no objections. The Award was made to Conduent Unclaimed Property Systems, Inc., and Amendment #7 to the Agreement was executed. The current Software License and Services Agreement expires June 30, 2021. OST received a letter detailing the completed acquisition by Avenu Insights & Analytics LLC. of Conduent Constituent and Government Software Solutions, which included Conduent Unclaimed Property Systems on September 28, 2018. A Notice of Intent to

Certify Sole Source was issued to change the Vendor's name to Avenu Unclaimed Property Systems, LLC. This Notice of Intent to Certify Sole Source seeks to extend maintenance for three years and to add enhancements. To date, OST has been approved to spend \$610,250.00 on this system.

### **Submission Instructions and Format of Response from Objecting Parties**

Interested parties who have reason to believe that the UPS2000 Software Enhancements and Renewal should not be certified as a sole source should provide information in the following format for the state to use in determining whether or not to proceed with awarding the Sole Source contract to Avenu Unclaimed Property Systems, LLC.

#### **1.1 Interested Party Information**

1.1.1 Contact Name, Phone Number and email address

1.1.2 Company Website URL, if applicable

#### **1.2 Objection to Sole Source Certification**

1.2.1 Interested parties must present specific objections to the Sole Source certification using the criteria listed above.

1.2.2 A statement regarding the Interested Party's capabilities as related to this Sole Source Certification Request.

1.3 Comments will be accepted at any time prior to Tuesday, June 22, 2021, at 3:00 p.m. (Central Time) to Justin Faucette at [Justin.Faucette@its.ms.gov](mailto:Justin.Faucette@its.ms.gov) or at the Mississippi Department of Information Technology Services, 3771 Eastwood Drive, Jackson, Mississippi 39211. Responses may be delivered by hand, via regular mail, overnight delivery, e-mail or by fax. Fax number is (601) 713-6380. ITS WILL NOT BE RESPONSIBLE FOR DELAYS IN THE DELIVERY OF RESPONSES. It is solely the responsibility of the Interested Parties that responses reach ITS on time. Interested Parties may contact Justin Faucette to verify the receipt of their Responses. Responses received after the deadline will be rejected.

1.4 Interested Party responses should include the following information:

<p><b>SUBMITTED IN RESPONSE TO</b> <b>Sole Source Certification No. 4401-46509</b> <b>Accepted until June 22, 2021@ 3:00 p.m.,</b> <b>ATTENTION: Justin Faucette</b></p>
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If you have any questions concerning the information above or if we can be of further assistance, please contact Justin Faucette at 601-432-8165 or via email at [Justin.Faucette@its.ms.gov](mailto:Justin.Faucette@its.ms.gov).

Attachment A: Customer Sole Source Certification Request

Attachment B: Vendor Correspondence

Attachment C: Sole Source Procurement Overview



3771 Eastwood Drive  
Jackson, Mississippi 39211  
Phone 601-432-8000 Fax 601-713-6380

## Sole Source Certification Request

<b>Project Title:</b>		Avenu Unclaimed Property Systems	
<b>Contact Information</b>			
<b>Agency/Institution:</b>		Office of the State Treasurer	<b>Contact Person:</b> Kurt Turner
<b>Mailing Address:</b>		501 North Wes Street Woolfolk Building, Suite 1101 Jackson, MS 39201	<b>Phone Number:</b> 601-359-2734 <b>Email Address:</b> <a href="mailto:kturner@treasury.ms.gov">kturner@treasury.ms.gov</a>
<b>MAGIC Customer #:</b> (Only required from state agencies.)		700000081	<b>Division/Dept:</b> N/A
<b>Project Summary</b>			
<b>Description of Project:</b> (Include details of original acquisition if applicable)		The Office of the State Treasurer (OST) is responsible for the administration of the Unclaimed Property Act. The system was purchased by the State of Mississippi in 2003 as a sole source. This project is to renew said system for another 3-year term. OST has also added optional modules, which have been approved internally, to the contract to improve our Holder and Online Claims processes.	
<b>ITS Acquisition Approval (CP-1) should be effective through this date:</b>		6/30/21	
<b>Cost Estimates (Maximum allowed duration is 3 years per request/project)</b>			
<b>Fiscal Year</b>	<b>Initial Costs</b>	<b>Ongoing Costs</b>	<b>Time Constraints</b>
FY 22	\$42,500.00	\$35,097.00	Item Needed by: 6/30/21
FY 23		\$80,802.00	Funds Expire: 6/30/21
FY 24		\$84,167.00	<b>Other Important Deadline(s):</b> (e.g. current contract/CP-1 expiration dates)
<b>Total Estimated Project Cost:</b>		\$242,566.00	Current CP-1 and contract expires on 6/30/21
<b>Funding Source:</b> 100% State Funds		State Funds	
<b>Discuss Funding:</b> (e.g. fund number; how much of needed funding is definite; total project budget; any matching or other non-state funds)		Funding is 100% definite	
<b>Acquisition Details</b>			
<b>Item or Part Number</b>	<b>Quantity</b>	<b>Description</b>	<b>Building Location(s)</b>
UPS2000	1	Unclaimed Property System – no change	Woolfolk Building – Locally Hosted
Optional Holder Website Module	1	Will ensure OST gets the correct data from holders. Web module by which holders can report.	
Optional Claims Website Module	1	Web based claims system. Will enable OST to fast track claims etc.	
<b>Describe Platform and Infrastructure:</b> Where does your agency plan to house or host the requested equipment or service? What resources currently available through ITS are needed (network connectivity, cloud computing/storage, colocation, business resiliency, etc.)? <b>NOTE: For equipment or services outside of current ITS available contracts and resources, justification must be attached.</b>			
OST will continue to host the platform locally within their virtual environment.			
<b>Sole Source Certification - Certification must be renewed for each revision or continuation of previous Sole Source Approvals.</b>			
<b>Explain why these products or services are the only ones that can meet your needs:</b> (Include specific functionality or special features that make this product or service unique.)		The Unclaimed Property Management System (UPS2000) is the platform used by the Office of the State Treasurer to manage all unclaimed property records for the State of Mississippi. UPS2000 has functions that have been customized to meet Mississippi's business processes and requirements. No other product contains these customizations. UPS2000 also operates entirely locally and is not cloud-based. The Claims website enables claimants to submit a claim for unclaimed property via the web. This website allows for a fast track process via automated checks to internal and external systems to verify the integrity and validity of the request, and it includes advanced system integration with UPS2000. The Holder reporting website enables property holders to go through the escheatment process online in a manner that verifies the encrypted files uploaded prior to accepting the reported properties and associated information. This website also integrates with UPS2000. The Holder website and Claims website are specifically built to work in conjunction with UPS2000. There is no other vendor that has websites or portals of this nature that directly integrate with UPS2000.	
<b>Specific business requirements to be met by the products/services:</b> (e.g. intended use, how it helps accomplish a task, etc.)		The UPS2000 software provides a detailed repository of Unclaimed Property escheated by holders to the State of Mississippi for claims processing, payment, and for transferring property. UPS2000	

		is not software as a service and is locally hosted, enabling the Office of the State Treasurer to process claims in the event of an internet outage.	
<b>Explain why this is the only entity that can provide the products/services:</b> (Include other products/vendors researched or evaluated.)		The UPS2000 software and services system is available only through Avenu directly. Avenu does not resell the system through any source and does not contract support agreements to any other party. Avenu employees are the only experts authorized and trained to support the UPS2000 system.	
<b>If for services or installations (not a product) the following two questions must be addressed.</b>			
<b>Vendor's proposal submitted:</b>		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (select only one)	
		<b>Vendor's Certification of Sole Source attached:</b>	
		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>MAGIC Vendor Code(s) - Vendor must be in MAGIC before a CP-1 can be issued.</b>			
<b>Place Order To Vendor Code:</b>	<b>Vendor Name:</b>	Avenu Unclaimed Property Systems, LLC	<b>Remit To Vendor Code:</b>
	<b>Vendor Address:</b>	5860 Trinity Parkway, Suite 120, Centreville, VA 2120	3100023782
3100023782			<b>Vendor Name:</b>
			<b>Vendor Address:</b>
			Avenu Unclaimed Property Systems, LLC
			5860 Trinity Parkway, Suite 120, Centreville, VA 2120

By my signature, I certify that, to the best of my professional knowledge: the requested product or services are a sole source as outlined in the ITS Procurement Handbook, Rule 207.2:013-030 Procurement Types: Sole Source, and as outlined in Mississippi Code annotated Section 31-7-13.

Brian Wilson, Deputy Treasurer      Brian Wilson      4/7/21  
 Name and Title (Agency Head/Institution President/CIO)      Signature      Date



April 26, 2021

Kurt Turner  
Information Technology  
Chief Information Officer  
Office of State Treasurer David McRae

VIA EMAIL: Kurt.Turner@treasury.ms.gov

**Sole Source Letter – UPS2000 Unclaimed Property Management System**

Dear Kurt:

We highly value the State Treasury of Mississippi's lengthy history of using Avenu's UPS2000 Unclaimed Property Management System to help meet the state's administrative needs. We hope that the following information will help you and your team make an informed decision about renewing and upgrading your system and continuing our partnership:

- The UPS2000 system is used by 16 state unclaimed property programs and is developed, supported, and copyrighted exclusively by Avenu. The operating system for UPS2000 is in the current upgraded version of Delphi code and the material cannot be used, copied, reproduced, or distributed without the express written permission of Avenu.
- The UPS2000 system now installed at the State Treasury of Mississippi includes customized features that are designed for the unique tasks and processes required under Mississippi law and policy.
- Data conversion will not be an issue or in any way put the state's database at risk. This is unique to Avenu's ongoing relationship with the State Treasury of Mississippi.
- Avenu's unclaimed property solutions team has 20-plus years of experience in providing unclaimed property software to states. Avenu's personnel are quite familiar with Mississippi's unclaimed property software needs.
- Avenu does not release the source code for UPS2000 or for any modifications made specifically for any state, and updates to the source code and database objects are only available from Avenu.
- The UPS2000 software and services system is available only through Avenu directly. Avenu does not resell the system through any source, and does not contract support agreements to any other party. Avenu employees are the only experts authorized and trained to support the UPS2000 system.
- Avenu continually enhances and develops its unclaimed property solutions, adding new features and functionalities, as requested by various state agencies. The requirements of, and suggestions from, each state enhance the system for all users: most new features offered to existing states are included in the system support agreement.

5860 Trinity Parkway, Suite 120, Centreville, VA 20120 | [www.avenuinights.com](http://www.avenuinights.com)



The acquisition of information technology for all state agencies and institutions of higher learning (IHLs) is within the scope of the ITS law, found in Mississippi Code Section 25-53-1, et seq., and the policies and procedures established in accordance with this statute, found in the ITS Procurement Handbook posted on the ITS website ([www.its.ms.gov](http://www.its.ms.gov)).

ITS enabling legislation requires that information technology hardware, software and services be acquired in a manner that insures the maximum of competition among all manufacturers and suppliers of such equipment and services. Accordingly, ITS promotes full and open competition through the issuance of open specifications and the objective evaluation of Interested Party proposals to determine the lowest and best offering to meet an agency's or public university's business requirements. True competition protects the integrity and credibility of purchasing in the public sector and is essential in providing best value and adequate contractual protection for the purchasing entity. In certain limited situations, information technology acquisitions may be sole-sourced.

ITS utilizes the provisions of Public Purchasing Law for Sole Source and Emergency procurements of information technology. Mississippi Public Purchasing Law (Mississippi Code Section 31-7-13) specifies that noncompetitive items available from one source only be exempted from bid requirements (sole-sourced). ITS statute, in Section 25-53-5 (p), permits ITS to utilize provisions in Public Purchasing Law or regulations, when applicable.

Per Public Purchasing law, acquisitions must meet the following criteria to be authorized as sole source:

1. The product or services being purchased must perform a function for which no other product or source of services exists,
2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services, AND
3. The product or services must be available only from the manufacturer and NOT through resellers who could submit competitive pricing for the product or services. The vendor's correspondence regarding this criterion for this project is included as Attachment B.

By policy as documented in the ITS Procurement Handbook, acquisitions of IT services must include the following information to be authorized as sole source:

1. An explanation about why the amount to be expended is reasonable, and
2. An explanation regarding the efforts by the purchaser to obtain the best possible price.

For state agencies, approval of all technology purchases with a lifecycle cost of \$5,000 or less, including sole source purchases, has been delegated to the agency. The ITS Procurement Limits Policies for Agencies (a section in the ITS Procurement Handbook) require a minimum of two competitive written bids or proposals for technology purchases with a lifecycle cost over \$5,000 but not over \$50,000 (not over \$25,000 for projects funded by the American Recovery and Reinvestment Act). Since, for single source items, the procuring agency will be unable to obtain two written bids, ITS must certify all sole source acquisitions of information technology with a lifecycle cost greater than \$5,000.

Institutions of Higher Learning (IHLs) or public universities have been delegated the authority to certify sole source procurements up to \$250,000 lifecycle cost under the ITS Procurement Limits Policies for IHLs (a section in the ITS Procurement Handbook). For the certification of sole source procurements delegated to the CIOs at public universities, the public university must follow ITS' Sole Source Procedure, including advertisement of the intent to award as sole source. Institutions certifying a sole source purchase must ensure the criteria listed above are met and documented in writing by the institution and the Interested Party prior to certifying a product or service as sole source. Sole source documentation must be reviewed and approved by the IHL's CIO for any sole-source certification

above \$5,000. All sole source documentation should be retained in the public university's procurement file. Sole source requests above \$250,000 lifecycle cost require ITS approval.

Other than the delegations outlined above, all sole source technology procurements must be certified by ITS. The customer's Sole Source Certification Request for this project is included as Attachment A.

ITS thoroughly reviews Sole Source Certification Requests, determining if competing products and/or services exist. If so, ITS conducts a competitive procurement. If ITS' review confirms the sole source, then a Sole Source advertisement is issued, giving other Interested Parties an opportunity to identify competing products and/or services. Based upon the results of the Sole Source advertisement, ITS will either certify the request as a sole source or conduct a competitive procurement.